

ORIGINAL

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

- - - - - X

UNITED STATES OF AMERICA : AFFIRMATION

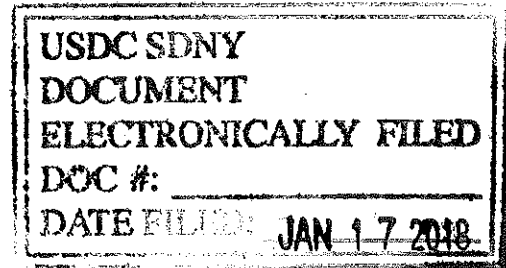
-v- : 17 Mag. 8611

CHEIKH GADIO, :

Defendant. :

- - - - - X

STATE OF NEW YORK )  
COUNTY OF NEW YORK : ss.:  
SOUTHERN DISTRICT OF NEW YORK )



Thomas McKay, pursuant to Title 28, United States Code,  
Section 1746, hereby declares under penalty of perjury:

1. I am an Assistant United States Attorney in the  
Office of Geoffrey S. Berman, United States Attorney for the  
Southern District of New York. I submit this affirmation in  
support of an application for an extension of the order of  
continuance of the time within which an indictment or information  
would otherwise have to be filed, pursuant to Title 18, United  
States Code, Section 3161(h) (7) (A).

2. CHEIKH GADIO, the defendant, was arrested on  
November 17, 2017 and charged with violating Title 18, United  
States Code, Sections 371, 1956 and 2, and Title 15, United  
States Code, Sections 78dd-2, 78dd-3, in a complaint dated  
November 16, 2017. The defendant was presented before

Magistrate Judge Kevin Nathaniel Fox on November 18, 2017, at which time the defendant was ordered released upon the satisfaction of certain conditions. The Government appealed the release order to the Part I Judge (District Judge William H. Pauley III), who denied the appeal, but ordered that certain additional conditions be met before the defendant was released. The defendant subsequently met all conditions, and was released.

3. At the initial presentment on November 18, 2017, counsel for the defendant, who was then represented by the Federal Defenders of New York, consented to a waiver of his client's right pursuant to Rule 5 of the Federal Rules of Criminal Procedure to a preliminary hearing within 14 or 21 days of the initial appearance. Subsequently, the defendant's then-counsel submitted a letter indicating that the defendant wished to withdraw the prior waiver. Soon thereafter, the defendant retained new counsel, Sean Hecker, Esq. and Sarah Wolf, Esq. of Debevoise & Plimpton LLP, who submitted a letter confirming that, consistent with his original waiver, the defendant requested a preliminary hearing date of December 18, 2017. On December 18, 2017, Magistrate Judge Sarah Netburn granted the Government's first application, on consent, for an order of continuance for 30 days.

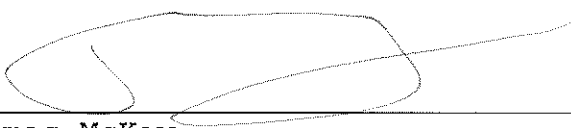
4. Mr. Hecker and counsel for the Government have had substantive discussions regarding this case. These discussions have not been completed and we plan to continue, but do not anticipate a resolution before the deadline under the Speedy Trial Act expires on January 17, 2018.

5. Therefore, with the express consent of defense counsel, the Government is requesting a 30-day continuance until February 16, 2018 to continue the foregoing discussions. Andrew Dember, Deputy Chief of the Criminal Division, has approved this application.

6. For the reasons stated above, the ends of justice served by the granting of the requested continuance outweigh the best interests of the public and defendant in a speedy trial.

I declare under penalties of perjury that the foregoing is true and correct, pursuant to 28 U.S.C. § 1746.

Dated: New York, New York  
January 16, 2018



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Thomas McKay  
Assistant United States Attorney